



JUDICIAL INVESTIGATION COMMISSION

~~CONFIDENTIAL~~
Post Office Box 1629
Charleston, West Virginia 25326-1629
(304) 558-0169 FAX (304) 558-0831

March 23, 1998

Re: Advisory Opinion 1998-03

Dear

Your recent request for an advisory opinion was received by the Judicial Investigation Commission and reviewed at its recent meeting. In that request you indicated that you are a candidate for Circuit Judge in County and are currently running certain advertisements in the newspaper. You sent to the Commission copies of two such advertisements. These items showed your picture and had your name printed at the bottom of each. In the advertisements you spoke in the first person and stated certain experiences which you had had while visiting various parts of the county and gave a brief history of your career in public office. At the bottom of each advertisement was the statement "Paid Pol. Adv. Paid For By the Committee to Elect Treasurer." You asked the Commission whether below that statement on these and similar advertisements you could add a statement such as "Contributions May be Made to Treasurer at Above Address."

The Commission reviewed Canon 5C(2) of the Code of Judicial Conduct in addressing the question which you have raised. That section of the Code of Judicial Conduct says in relevant part:

Canon 5. A judge or judicial candidate shall refrain from inappropriate political activity.

C. Judges and candidates subject to public election.

(2) A candidate shall not personally solicit or accept campaign contributions or personally solicit publicly

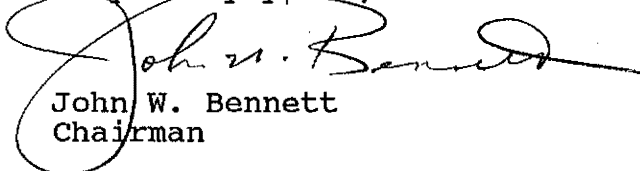
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stated support. A candidate may, however, establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidates forums, and other means not prohibited by law. Such committees may solicit and accept reasonable campaign contributions, manage the expenditure of funds for the candidate's campaign and obtain public statements of support for his or her candidacy. Such committees are not prohibited from soliciting and accepting reasonable campaign contributions and public support from lawyers. A candidate shall not use or permit the use of campaign contributions for the private benefit of the candidate or others.

This Canon specifically prohibits a candidate from personally soliciting campaign contributions. It is the opinion of the Commission that based on the context of the advertisements which you sent to it, the message which you wish to add to the advertisement would not be permitted. At best it sends a mixed message to the public regarding the source of the solicitation of campaign contributions. At worst it appears that you are personally soliciting campaign contributions given the format, language, and context of the advertisements as they appear in print.

If you have any additional questions regarding this matter, do not hesitate to contact the Commission.

Very truly yours,



John W. Bennett
Chairman

JWB/bl